



# NEWS RELEASE

OFFICE OF THE UNITED STATES ATTORNEY  
WESTERN DISTRICT OF MISSOURI

**TODD P. GRAVES**

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**FOR IMMEDIATE RELEASE**

*Audio comments from U.S. Attorney Todd P. Graves will be available on-line (or may be requested by e-mail). The federal civil complaint and the consent decree are also available on-line in .pdf format for Acrobat Reader.*

*Those files may be downloaded from the district's Web site at*

[www.usdoj.gov/usao/mow](http://www.usdoj.gov/usao/mow)

## **WAL-MART PAYS \$400,000 PENALTY, FEDERAL COMPLAINT ALLEGES ILLEGAL SALES OF REFRIGERANTS**

**KANSAS CITY, Mo.** – Todd P. Graves, United States Attorney for the Western District of Missouri, announced a settlement with Wal-Mart Stores, Inc., today that resolves alleged violations of the Clean Air Act by various Sam's Club stores in 11 states, including stores in Independence, Springfield, and Joplin in Missouri.

A federal complaint filed in Kansas City today cites 20 violations of the Clean Air Act by Sam's Club, which is owned by Wal-Mart Stores, Inc. According to the federal complaint, Sam's Club sold refrigerants used for automobile air conditioners or other refrigeration systems to customers who were not certified as required by federal law. Title VI of the Clean Air Act (and implementing federal regulations) restricts sales of certain ozone-depleting refrigerants to technicians who are certified in the use of such substances, Graves explained.

"These chemicals are regulated by the federal government because they contribute to ozone-depleting pollution," Graves said. "Retailers have an obligation to responsibly monitor the sale of these products. Today's settlement fairly resolves this case, and signals that we will pursue those who violate the law and contribute to the depletion of the ozone layer."

Under the terms of a consent decree that was also filed in federal court in Kansas City today, Wal-Mart agreed to pay a \$400,000 civil penalty. In addition, Sam's Club stores nationwide will stop selling refrigerants that contain ozone-depleting substances.

Chlorofluorocarbons (CFCs) destroy ozone if released into the atmosphere, Graves explained, posing a threat to the environment and public health. The ozone layer protects humans and animals from damaging ultraviolet (UV) rays. Excessive exposure to UV radiation can cause cataracts, skin cancer, and other ailments.

“This settlement will aid in protecting the ozone layer worldwide by eliminating from the earth’s atmosphere harmful refrigerants, such as chlorofluorocarbons (CFCs) that leak from industrial appliances and have contributed to the depletion of the earth’s ozone layer in recent years,” said Assistant Attorney General Thomas L. Sansonetti.

Three of the violations contained in today’s complaint allegedly occurred in Missouri. In each of those sales, Graves said, Wal-Mart allegedly failed to require evidence that the purchaser was a certified technician. According to the federal complaint:

\* On July 8, 1998, at its Sam’s Club store at 4800 Noland Road, Independence, Mo., Wal-Mar sold for use as a refrigerant a 30-pound container of refrigerant CFC-12 to a person who was not a certified technician.

\* On July 23, 1999, at its Sam’s Club store at 3660 East Sunshine, Springfield, Mo., Wal-mart sold for use as a refrigerant a 30-pound container of HCFC-22 to a person who was not a certified technician.

\* On July 23, 1999, at its Sam’s Club store at 3536 Hammons Blvd., Joplin, Mo., Wal-Mart sold for use as a refrigerant a 30-pound container of HCFC-22 to a person who was not a certified technician.

The lodging of the consent decree settles violations of the Clean Air Act at Sam’s Club stores in Missouri, Alabama, Florida, Georgia, Illinois, Iowa, Minnesota, New York, Pennsylvania, North Carolina and West Virginia.

This case is being prosecuted by Assistant U.S. Attorneys Charles M. Thomas and J. Curt Bohling, and Elizabeth Loeb, a trial attorney in the Environmental and Natural Resources Division of the Department of Justice. It was investigated by the Environmental Protection Agency.

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This news release, as well as additional information about the office of the United States Attorney for the Western District of Missouri, is available on-line at

[www.usdoj.gov/usao/mow](http://www.usdoj.gov/usao/mow)